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OCT 5 2004  
PUBLIC SERVICE  
COMMISSION

October 4, 2004

Hon. Beth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

***Re: Ballard Rural Telephone Cooperative Corporation, Inc. v. Jackson Purchase Rural Electric Cooperative Corporation, before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2004-00036***

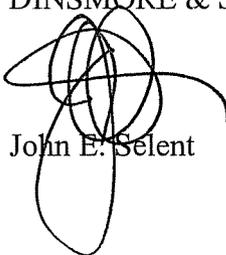
Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of the Response of Ballard Rural Telephone Cooperative Corporation, Inc. to the Motion of Jackson Purchase Energy Corporation to Propound Supplemental Exhibit to Its Response to the First Data Request of Commission Staff in the above-styled case.

In addition, enclosed is a copy for file-stamping. Please return this copy to us in the self-addressed, postage prepaid envelope furnished herewith. Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP

  
John E. Selent

JES/bmt  
Enclosures

cc: Mr. Harlon E. Parker (w/enclosure)  
Holly C. Wallace Esq. (w/o enclosure)

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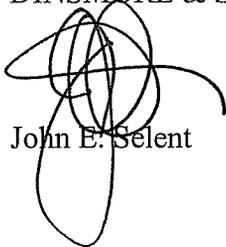
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Enclosures

cc: Mr. Harlon E. Parker (w/enclosure)  
Holly C. Wallace Esq. (w/o enclosure)

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

*In the Matter of:*

BALLARD RURAL TELEPHONE )  
COOPERATIVE CORPORATION, INC. )  
Complainant )

v. )

Case No. 2004-00036

JACKSON PURCHASE RURAL )  
ELECTRIC COOPERATIVE )  
CORPORATION )  
Defendant )

**RESPONSE OF BALLARD RURAL TELEPHONE COOPERATIVE  
CORPORATION, INC. TO THE MOTION OF JACKSON  
PURCHASE ENERGY CORPORATION TO PROPOUND  
SUPPLEMENTAL EXHIBIT TO ITS RESPONSE TO THE  
FIRST DATA REQUEST OF COMMISSION STAFF**

Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard Rural"), by counsel, hereby submits its response to the motion of Jackson Purchase Energy Corporation ("Jackson Purchase") for leave "To Propound a Supplemental Exhibit to its Response to the First Data Request of The Commission Staff."

First, and foremost, the response of Jackson Purchase does nothing to change the procedural posture of this case. Specifically, there is now pending a motion for summary judgment filed by Ballard Rural; the supplemental exhibit which Jackson Purchase moves to file does not affect the fact that there is not a genuine issue of material fact which would preclude the Public Service Commission (the "Commission") from granting the motion for summary judgment of Ballard Rural. The proposed exhibit of Jackson Purchase consists of the simple fact that Jackson Purchase has discovered an additional 1,322 poles that were not counted in its 2002

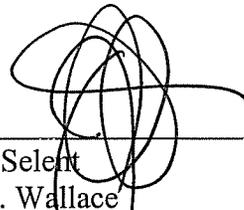
pole assessment or count. This fact does nothing to change the record in this matter and the fact that Ballard Rural is entitled to summary judgment, in all respects, with respect to its complaint.

Second, Ballard Rural does not concur in Jackson Purchase's new pole count. That pole count was conducted without the knowledge of Ballard Rural and without the participation of Ballard Rural. In the past, it has always been the practice of both companies to conduct pole counts jointly and to reconcile the findings of the two companies as the pole count proceeds. This was not done in this case. For this reason and perhaps others, the pole count of Jackson Purchase is suspect.

Finally, Ballard Rural has not refused to assist Jackson Purchase in the pole count. It could not have; it was not asked.

In conclusion, Ballard Rural submits that the motion of Jackson Purchase should be denied, at least until such time as a joint pole count is conducted in the ordinary course of business. In no event, however, should the Commission delay its ruling upon the motion of Ballard rural for summary judgment. The record in this case reflects that there is no genuine issue of material fact and that Ballard Rural is entitled to judgment as a matter of law, the new pole count of Jackson Purchase notwithstanding.

Respectfully submitted,



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**COUNSEL TO BALLARD RURAL  
TELEPHONE COOPERATIVE  
CORPORATION, INC.**

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing was served via First Class United States Mail, postage prepaid, to the following individuals this 4<sup>th</sup> day of October, 2004:

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Paducah, KY 42002-4030



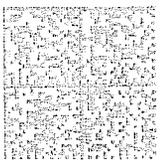
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**COUNSEL TO BALLARD RURAL  
TELEPHONE COOPERATIVE  
CORPORATION, INC.**

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